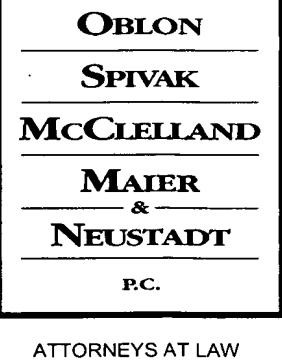




Docket No.: 241856US2



COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/647,291

Applicants: Hiroyuki MORO

Filing Date: August 26, 2003

For: MEMORY CARD AUTHENTICATION SYSTEM,
CAPACITY SWITCHING-TYPE MEMORY CARD
HOST DEVICE, CAPACITY SWITCHING-TYPE
MEMORY CARD, STORAGE CAPACITY SETTING
METHOD, AND STORAGE CAPACITY SETTING
PROGRAM

Group Art Unit: 2188

Examiner: LANE, JOHN A

SIR:

Attached hereto for filing are the following papers:

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Marvin J. Spivak

Registration No. 24,913

Raymond F. Cardillo, Jr.

Registration No. 40,440

Customer Number

22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)



DOCKET NO: 241856US2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

HIROYUKI MORO

: EXAMINER: LANE, J.

SERIAL NO: 10/647,291

:

FILED: AUGUST 26, 2003

: GROUP ART UNIT: 2188

FOR: MEMORY CARD
AUTHENTICATION SYSTEM,
CAPACITY SWITCHING-TYPE
MEMORY CARD HOST DEVICE,
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MEMORY CARD, STORAGE CAPACITY
SETTING METHOD, AND STORAGE
CAPACITY SETTING PROGRAM

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicant acknowledges with appreciation the indication of allowability of the claimed invention. In response to the Examiner's Statement of Reason for Allowance in the Notice of Allowance of September 27, 2005, Applicant respectfully submits the following comments.

In the Examiner's Statement of Reasons for Allowance on page 2 of the Notice of Allowance mailed September 27, 2005, paragraph 1 states in part:

... Claim 2 is understood to be the broadest claim of independent claims 1, 2, 7, 14, 15, 21, and 22. The remaining independent claims recite further detail of the capacity switching feature.

It is respectfully submitted that independent Claims 1, 2, 7, 14, 15, 21, and 22 are of differing and not necessarily completely overlapping scope. In contrast, the Examiner's Reasons implies that any embodiment that does not infringe Claim 2 must not infringe any of the other claims. As this is not necessarily the case, it is respectfully submitted that none of the independent (or dependent) claims should be construed based on the inaccurate description in the Examiner's Reasons.

Consequently, Applicant respectfully submits that the inaccuracy in the Examiner's Reasons for Allowance may create a cloud on the validity of the patent. Applicant therefore respectfully requests the Examiner issue a corrected Notice of Allowance.

Respectfully submitted,

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

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Surinder Sachar
Registration No. 34,423